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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DIXON, THOMAS A

ART UNIT PAPER NUMBER

3639

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,519

Applicant(s)

KOHAVI ET AL.

Examiner

Thomas A. Dixon

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-16, 29-32 and 37-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-16 and 29-32 is/are allowed.
- 6) ☒ Claim(s) 37-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed 12/12/05 regarding art rejections have been fully considered but they are not persuasive.
- 2/ **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Information Disclosure Statement

3. The supplemental submission of WO 01/69506 has been considered and added to the form 892 attached as no proper IDS form was submitted with it.

Response to Amendment / Arguments

4. The objection to claim 15 is withdrawn.
5. Applicant's arguments regarding the 101 rejections are convincing, the 101 rejections are withdrawn.

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6. As per Applicant's arguments regarding claims 37 and 45, Claims directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987).

The structural limitations of claim 37 and 45, including data storage medium, processor are disclosed in Lynch et al as described herein, the wherein clause has been given no weight as it is not seen to merely be functional language.

Also as described the limitations of the claim do not distinguish the claimed apparatus from the prior art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 37-38, 40-45, 47-52 rejected under 35 U.S.C. 102(e) as being anticipated by Lynch et al (6,018,715).

As per Claim 37.
Lynch et al ('715) discloses:

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one or more data storage mediums comprising information of two or more offered travel products from two or more vendors, the information including at least two product types from airline seating, hotel rooms, car rentals, and auxiliary travel support items with any of associated price, time restrictions, use restrictions, class, availability, rules and descriptions, see column 3, line 10 – column 4, line 13;

one or more processors configured with processor control instructions that control accessing information of the one or more data storage mediums and that control dynamically compiling travel packages to select one of the two or more offered travel product types, the control instructions also controlling package compiling based on a matching of defined restrictions and other criteria comprising any of: geographic distributions, type of product, time considerations, cost, intelligent agents and distribution channel limitations, wherein the defined restrictions for at least one product in a package are dependent on another product accepted in or excluded from the package, see column 3, line 10 – column 4, line 13;

the one or more processors further configured with processor control instructions that control package cost determination including any of: summation of individual costs of products included in a compiled package, commissions, discounts and special promotional items, see column 3, lines 53-62 and column 3, line 67 – column 4, line 7;

the one or more processors further configured with processor control instructions that control an interface to enter one or more search requests for possible packages, see figure 2 (34).

As per claim 38.

Lynch et al ('715) further discloses the compilation is performed partially or wholly before said request for possible packages or interactively during said request, see column 3, line 67 – column 4, line 7.

As per claim 40.

Lynch et al ('715) further discloses remotely accessing two or more travel related items, see column 4, lines 25-63.

As per claim 41.

Lynch et al ('715) further discloses stored information representing two or more of airline seating, hotel rooms, car rental, and auxiliary travel support items, see column 3, line 39 – column 4, line 7.

As per claim 42.

Lynch et al ('715) further discloses the user interface configured to control user searches for possible packages based on a match to desired criteria, see column 4, lines 13-24.

As per claim 43.

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Lynch et al ('715) further discloses dynamically reformulating the packages based on availability of said vendor offered products, see column 3, line 67 – column 4, line 24.

As per Claim 44.

Lynch et al ('715) further discloses the steps performed locally or remotely across a LAN/WAN, see column 4, line 44.

As per Claim 45.

Lynch et al ('715) discloses:

data means for storing information comprising two or more offered travel products from two or more vendors, the information including at least two product types from airline seating, hotel rooms, car rentals, and auxiliary travel support items with any of associated price, time restrictions, use restrictions, class, availability, rules and descriptions, see column 3, line 10 – column 4, line 13;

electronic package compiling means for dynamically compiling travel packages by accessing information of the data means to select one of the two or more offered travel product types, the package compiling means also for compiling based on a matching of defined restrictions and other criteria comprising any of: geographic distributions, type of product, time considerations, cost, intelligent agents and distribution channel limitations, wherein the defined restrictions for at least one product in a package are dependent on another product accepted in or excluded from the package, see column 3, line 10 – column 4, line 13;

electronic package cost determination means for determining package cost including any of: summation of individual costs of products included in a compiled package, commissions, discounts and special promotional items, see column 3, lines 53-62 and column 3, line 67 – column 4, line 7;

electronic interface means for entering one or more search requests for possible packages, see figure 2 (34).

As per claim 47.

Lynch et al ('715) further discloses the compilation is performed partially or wholly before said request for possible packages or interactively during said request, see column 3, line 67 – column 4, line 7.

As per claim 48.

Lynch et al ('715) further discloses remotely accessing two or more travel related items, see column 4, lines 25-63.

As per claim 49.

Lynch et al ('715) further discloses accessing stored information representing two or more of airline seating, hotel rooms, car rentals and auxiliary travel support items, see column 3, line 39 – column 4, line 7.

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As per claim 50.

Lynch et al ('715) further discloses electronic interface means is configured to control user searches for possible packages based on a match to desired criteria, see column 4, lines 25-63.

As per claim 51.

Lynch et al ('715) further discloses dynamically reformulating the packages based on availability of said vendor offered products, see column 3, line 67 – column 4, line 24.

As per Claim 52.

Lynch et al (715) further discloses the steps performed locally or remotely across a LAN/WAN, see column 4, line 44.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 12-16, 29-32, 39, 46 are rejected under 35 U.S.C. 103(A) as being unpatentable over Lynch et al (6,018,715) in view of Tagawa (5,732,398).

As per Claim 12.

Lynch et al ('715) discloses:

retrieving two or more offerings, said offerings including at least two products types selected from airline seating, hotel rooms, car rentals, and auxiliary travel support items with any of associated price, time restrictions, use restrictions, class, availability, rules and descriptions, see column 1, line 21 – column 2, line 15;

retaining said two or more offerings of travel products in computer storage, see column 4, line 66 – column 5, line 7;

intelligently compiling travel packages comprising selecting ones of said two or more offerings of travel products, each package including offerings of at least two product types, said compiling based on a congruency matching of defined restrictions and other criteria comprising any of geographic distributions, type of product, time considerations, cost, intelligent agents, and distribution channel limitations, wherein the defined restrictions for at least one product in a package are dependent on another product accepted in or excluded from the package, see column 4, lines 1-24;

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receiving one or more search requests for possible packages, see column 4, lines 14-15;

presenting possible packages meeting a requester's criteria, see column 4, lines 18-24;

determining a total cost by any of: summation of individual costs of products included in said compiled package, commissions, discounts, and special promotional items, see column 3, lines 53-62 and column 3, line 67 – column 4, line 7;

Lynch et al ('715) does not disclose processing payment of a one or more selected travel packages.

Tagawa ('398) teaches processing payment of a one or more selected travel packages, see figure 7c (424) for the benefit of collecting payment for products/services received.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to process payments for one or more packages for the benefit of collecting payment for products/services received.

As per claim 13.

Lynch et al ('715) does not specifically disclose booking reservations.

Tagawa ('398) teaches processing payment of a one or more selected travel packages, see figure 7b (444) for the benefit of completing the recommended travel arrangements.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to book reservations for the benefit of completing the recommended travel arrangements.

As per claim 14.

Lynch et al ('715) further discloses the compilation is performed partially or wholly before said request for possible packages or interactively during said request, see column 3, line 67 – column 4, line 7.

As per Claim 15.

Lynch et al ('715) further discloses dynamically reformulating the packages based on availability of said vendor offered products, see column 3, line 67 – column 4, line 24.

As per Claim 16.

Lynch et al ('715) further discloses the steps performed locally or remotely across a LAN/WAN, see column 4, line 44.

As per Claim 29.

Lynch et al ('715) discloses:

determining available travel products from an inventory, based on any of: historical data, price, class, demand, time before use, type, see column 3, line 67 – column 4, line 24;

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placing defined restrictions on two or more of said determined travel products wherein the defined restrictions for at least one travel product are dependent on another travel product when the one product and the other product are offered in a travel package, see column 4, lines 4-7;

offering said two or more of said determined products with associated restrictions to a centralized travel packaging system, said centralized travel packaging system located across one of a computer-based networks, LANs, WANs, and cellular, wireless, Internet, WWW, Satellite-based communication mediums, see column 4, lines 42-63;

Lynch et al ('715) does not specifically disclose receiving confirmed reservations.

Tagawa ('398) teaches confirming the one or more selected travel packages, see figure 7c (522) for the benefit of completing the recommended travel arrangements.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to confirm reservations for the benefit of completing the recommended travel arrangements.

As per Claim 30.

Lynch et al ('715) further discloses restrictions include: which companies may or may not be included in the packages, see column 3, lines 38-46, 40-62, and column 4, lines 1-7.

As per Claim 31.

Lynch et al ('715) further discloses dynamically reformulating the packages based on availability of said vendor offered products, see column 3, line 67 – column 4, line 24.

As per Claim 32.

Lynch et al ('715) further discloses dynamically reformulating the packages based on availability of said vendor offered products, see column 3, line 67 – column 4, line 24.

As per claim 39.

Lynch et al ('715) does not specifically disclose booking reservations.

Tagawa ('398) teaches processing payment of a one or more selected travel packages, see figure 7b (444) for the benefit of completing the recommended travel arrangements.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to book reservations for the benefit of completing the recommended travel arrangements.

As per claim 46.

Lynch et al ('715) does not specifically disclose an electronic purchase means or booking means.

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Tagawa ('398) teaches booking and payment means for one or more selected travel packages, see figure 7b (444) and 7c(420, 424) for the benefit of completing the recommended travel arrangements.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to book reservations for the benefit of completing the recommended travel arrangements.

Allowable Subject Matter

9. Claims 12-16, 29-32 are allowable.

10. The following is a statement of reasons for the indication of allowable subject matter:

As per claims 12.

The prior art of record, Demarken ('932) or Acebo et al ('679 or Tagawa (398) or Son do not disclose or fairly teach:

intelligently compiling travel packages comprising selected ones of said two or more offerings of travel products, each package including offerings of at least two product types, said compiling based on a congruency matching of defined restrictions and other criteria comprising any of geographic distributions, type of product, time considerations, cost, intelligent agents, and distribution channel limitations, wherein the defined restrictions for at least one product in a package are dependent on another product accepted in or excluded from the package.

As per claims 29.

The prior art of record, Demarken ('932) or Acebo et al ('679 or Tagawa (398) or Son do not disclose or fairly teach:

placing defined restrictions on two or more of said determined travel products wherein the defined restrictions for at least one travel product are dependent on another travel product when the one product and the other product are offered in a travel package,

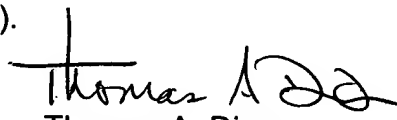
receiving confirmed reservations from said centralized travel packaging system said reservations included in one or more selected travel packages stored within a travel packages database as determined by an intelligent matching and dynamic compilation mechanism retained in said centralized travel packaging system, each package including two or more travel products of at least two product types.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas A. Dixon
Primary Examiner
Art Unit 3639

February 06